



**KNIGHT
FIRST AMENDMENT
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October 21, 2020

Via ECF

The Honorable John G. Koeltl
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan United States
Courthouse
500 Pearl St.
New York, NY 10007-1312

**Re: *Freedom of the Press Found. v. DOJ*, Case No. 1:17-cv-
9343-JGK (S.D.N.Y.)**

Dear Judge Koeltl,

Plaintiffs write pursuant to Federal Rule of Civil Procedure 6(b), Local Rule 7.1(d), and Section 1(E) of this Court's Individual Practices to request that the Court extend the deadline for Plaintiffs to file a motion for attorney's fees under Federal Rule of Civil Procedure 54(d). Plaintiffs propose that the parties jointly file an update with the Court on the status of fee negotiations within thirty days of the final resolution of any appeals, or, in the event that neither party appeals, within thirty days of the expiration of the parties' time to file an appeal. Defendants consent to this request.

On October 9, 2020, the Court issued an Opinion and Order granting Plaintiffs' motion for summary judgment with respect to the Department of Justice Criminal Division's redactions of documents under Exemption 5 and denying Plaintiffs' motion in all other respects. ECF No. 67. On October 13, the Clerk of Court entered judgment in this matter. ECF No. 68.

Plaintiffs' Complaint, ECF No. 1, requests an award of reasonable costs and attorney's fees, which are available under 5 U.S.C. § 552(a)(4)(E) when "the complainant has substantially prevailed." Federal Rule 54(d) provides that a prevailing party has fourteen days after the entry of judgment to file a motion for fees and expenses. Fed. R. Civ. P. 54(d)(2). This would require Plaintiffs to file a motion for fees by October 27, 2020.

Plaintiffs respectfully seek an extension of this deadline to provide additional time for the parties to discuss a potential settlement of attorney's fees and expenses in the hope of avoiding the need for motion practice on this issue. Accordingly, Plaintiffs request that the Court set the deadline for the parties to jointly file an update on the status of fee negotiations within thirty days of the final resolution of any appeals, or, in the event that neither party appeals, within thirty days of the expiration of the parties' time to file an appeal (that is, by January 11, 2021). See Fed. R. Civ. P. 4(a)(1)(B)(ii) (allowing parties to file a notice of appeal within 60 days after entry of judgment if one of the parties is a United States agency). This is Plaintiffs' first request for an extension of this deadline.

Respectfully,

/s/ Anna Diakun

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